

## 2007 DRAFTING REQUEST

### Bill

Received: **01/21/2008**

Received By: **phurley**

Wanted: **Soon**

Identical to LRB:

For: **Joel Kleefisch (608) 266-8551**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sentencing**  
**Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kleefisch@legis.wisconsin.gov**

Carbon copy (CC:) to:

### Pre Topic:

No specific pre topic given

### Topic:

Theft with intent to sell on the internet

### Instructions:

See Attached

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 01/21/2008	jdye 01/22/2008					Crime
/1			pgreensl 01/22/2008		cdurst 01/22/2008	mbarman 02/25/2008	

FE Sent For:

<END>

**26**

*Handwritten:*  
Jacketed  
Sent to Rep. Albers  
↓  
see attached

**2007 DRAFTING REQUEST**

**Bill**

Received: **01/21/2008**

Received By: **phurley**

Wanted: **Soon**

Identical to LRB:

For: **Joel Kleefisch (608) 266-8551**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sentencing**  
**Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kleefisch@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Theft with intent to sell on the internet

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 01/21/2008	jdyer 01/22/2008		_____			Crime
/1			pgreensl 01/22/2008	_____	cduerst 01/22/2008		

FE Sent For:

**<END>**

**2007 DRAFTING REQUEST**

**Bill**

Received: **01/21/2008**

Received By: **phurley**

Wanted: **Soon**

Identical to LRB:

For: **Joel Kleefisch (608) 266-8551**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sentencing**  
**Criminal Law - miscellaneous**

Extra Copies: *wis*

Submit via email: **YES**

Requester's email: **Rep.Kleefisch@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Theft with intent to sell on the internet

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley	<i>1 wlj 1/21</i>	<i>[Signature]</i>	<i>[Signature]</i>			Crime

FE Sent For:

**<END>**

# Bill Request Form

## Legislative Reference Bureau

One East Main Street, Suite 200

Legal Section 266-3561

*You may use this form or talk directly with the LRB attorney who will draft the bill.*

Date 3 - DEC - 07

Legislator, agency, or other person requesting this draft REP. JOEL KLEEFISCH

Person submitting request (name and phone number) DANIEL LINDSTEDT / 608-266-8551

Persons to contact for questions about this draft (names and phone numbers) " / "

Describe the problem, including any helpful examples. How do you want to solve the problem?

- REVISE STATUTES TO REFLECT PENALTY  
FOR SHOPLIFTING WITH INTENT TO RESALE  
BY THE INTERNET.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

- SEE ATTACHMENT

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2005 LRB-2345/1 or 2003 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES ☒ NO

If yes:                      Anyone who asks?    YES    NO  
                                    Any legislator?       YES    NO

Only the following persons \_\_\_\_\_

Do you consider this request urgent?    YES    NO                      If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person?

YES ☒ NO

## **SHOPLIFTING WITH INTENT TO SELL BY INTERNET**

A person who shoplifts retail property or a person who knowingly buys or believes he is buying stolen property taken in shoplifting incident, with the intent to sell that stolen property on an internet auction site or website commits the offense of "Shoplifting with Intent to Resell by Internet"

A person who violates this section is guilty of a Class G Felony.

If the person has sold the same or similar type property on an internet auction site or website within the past 90 days, it is "prima facie evidence" of Shoplifting with Intent to Resell by Internet.

retail only?  
see 993.20 (misapprop)  
993.50  
993.31 (receiving)  
value-related?

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

by  
1-22  
a.m.

- 1 <sup>Gen Cat</sup> **AN ACT ...; relating to:** the sale of stolen property on the Internet, <sup>providing</sup> and <sup>creating</sup>
- 2 a penalty.

#### *Analysis by the Legislative Reference Bureau*

Under current law, a person who commits retail theft or who intentionally receives or conceals stolen property is penalized based on the value of the merchandise that was stolen. A person who commits retail theft or receives or conceals the stolen property is guilty of a Class A misdemeanor if the value of the property does not exceed \$2500, of a Class I felony if the value of the merchandise exceeds \$2500 but does not exceed \$5000, a Class H felony if the value of the merchandise exceeds \$5000 but does not exceed \$10,000, and a Class G felony if the value of the merchandise exceeds \$10,000.

Under this bill, a person who commits retail theft with the intent to sell the stolen property on the Internet is guilty of a Class G felony, regardless of the value of the property. Under the bill, a person who purchases property he or she knows or believes to be stolen over the Internet is guilty of a Class G felony, regardless of the value of the property.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 943.34 (1) (intro.) of the statutes is amended to read:

2           943.34 (1) (intro.) Except as provided under s. 943.345 and 948.62, whoever  
3 intentionally receives or conceals stolen property is guilty of:

4           History: 1977 c. 173; 1987 a. 266, 332; 1991 a. 39; 2001 a. 16, 109.

4           **SECTION 2.** 943.345 of the statutes is created to read:

5           **943.345 Purchasing stolen property on the Internet.** Any person who  
6 uses the Internet to purchase property that the person knows or believes was  
7 obtained by the seller in violation of s. 943.50 is guilty of a Class G felony.

8           **SECTION 3.** 943.50 (4) (c) of the statutes is amended to read:

9           943.50 (4) (c) A Class G felony, if the value of the merchandise exceeds \$10,000  
10 or if the person violated this section with the intent to sell the merchandise on the  
11 Internet. It is prima facie evidence that the person intends to sell the merchandise  
12 on the Internet if, within 90 days preceding the violation, the person sold the same  
13 or similar kind of merchandise on the Internet.

14           History: 1977 c. 173; 1981 c. 270; 1983 a. 189 s. 329 (24); 1985 a. 179; 1987 a. 398; 1991 a. 39, 40; 1993 a. 71; 1997 a. 262; 2001 a. 16, 109.

(END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3895/?dn

PJH:./:....

WLj

Daniel

Please review this draft carefully to ensure that it is consistent with your intent. Please note that this draft applies only to retail theft, and does not apply to property that was stolen from, say, a private home or other type of business. Let me know if that needs to be changed. Also, please note that the bill requires a Class G felony for selling or buying stolen merchandise over the Internet regardless of the value of the merchandise; if you would like different penalties for different values, please let me know.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3895/1dn  
PJH:wlj:pg

January 22, 2008

Daniel:

Please review this draft carefully to ensure that it is consistent with your intent. Please note that this draft applies only to retail theft, and does not apply to property that was stolen from, say, a private home or other type of business. Let me know if that needs to be changed. Also, please note that the bill requires a Class G felony for selling or buying stolen merchandise over the Internet regardless of the value of the merchandise; if you would like different penalties for different values, please let me know.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)

## Barman, Mike

---

**From:** Hurley, Peggy  
**Sent:** Monday, February 25, 2008 11:46 AM  
**To:** Barman, Mike  
**Subject:** FW: LRB 07-3895/1:Theft with intent to sell on the internet  
**Importance:** High  
**Attachments:** 07-38951dn.pdf; 07-38951.pdf

Mike,

Can you have this jacketed?

Peggy

---

**From:** Simatic, Kurt  
**Sent:** Monday, February 25, 2008 11:45 AM  
**To:** Hurley, Peggy  
**Cc:** Lindstedt, Daniel  
**Subject:** FW: LRB 07-3895/1:Theft with intent to sell on the internet  
**Importance:** High

Peggy:

Can we get this bill jacketed for the Assembly and have the jacket sent to Albers office ASAP?

Thanks.

**Kurt Simatic**  
**Office of State Representative Sheryl K. Albers**  
115 West  
State Capitol  
Madison, WI 53708  
608-266-8531  
kurt.simatic@legis.wisconsin.gov

---

**From:** skalbers [mailto:skalbers@rucls.net]  
**Sent:** Wednesday, January 23, 2008 6:52 AM  
**To:** dave@liberty-flag.com  
**Cc:** Griffiths, Terri; Simatic, Kurt  
**Subject:** FW: LRB 07-3895/1:Theft with intent to sell on the internet  
**Importance:** High

Rep. Joel Kleefisch and I have a draft bill which is intended to focus on theft from your business such as that you unfortunately experienced. If you have time to do so, please review the draft attached and provide any comments back to Terri Sue or Kurt at my office 1888-534-0050 or 266-8531. You will note that she sent a copy of the message. It would seem appropriate to encompass both Wholesale and retail sales ...and if that is the case, based on the drafters note the draft would need to be modified and we will need to let Rep. Kleefisch know of the requested change. Sheryl

02/25/2008

## Barman, Mike

---

**From:** Hurley, Peggy  
**Sent:** Monday, February 25, 2008 12:21 PM  
**To:** Barman, Mike  
**Subject:** FW: LRB-3895/1

**Attachments:** 07-38951.pdf

---

**From:** Lindstedt, Daniel  
**Sent:** Monday, February 25, 2008 12:20 PM  
**To:** Hurley, Peggy  
**Cc:** Simatic, Kurt  
**Subject:** LRB-3895/1



07-38951.pdf (11 KB)

Peggy:

Rep. Albers has our office's permission to have the attached bill be jacketed for their office.

Thank you.

---

**Daniel Lindstedt**

*Clerk, Assembly Committee on Criminal Justice*

**Office of State Representative Joel Kleefisch**

*State Capitol, Room 8-West*

*Madison, WI 53708-8952*

*(608) 266-8551 (o)*

*(608) 282-3638 (f)*

---